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Christopher S. Marks, OSB #022052
cmarks@williamskastner.com
Rachel A. Robinson, OSB #084550
rrobinson@williamskastner.com
WILLIAMS, KASTNER & GIBBS PLLC
888 SW Fifth Avenue, Suite 600
Portland, OR 97204-2025
Phone: (503) 228-7967
Fax: (503) 222-7261
Attorneys for Defendants

The Honorable _____

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

CV'11 - 266 KI

Case No. _____

TODD YANDELL,

Plaintiff,

v.

WALTER MEIER HOLDING AG, a Swiss Corporation; WMH TOOL GROUP, Inc, a Tennessee Corporation; WALTER MEIER (MANUFACTURING) INC., a Tennessee Corporation; WALTER MEIER HOLDING CORPORATION, a Delaware Corporation,

Defendants.

NOTICE OF REMOVAL OF CIVIL ACTION

Demand for Jury Trial

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 USC §§ 1441 and 1446, defendants Walter Meier Holdings Corporation, and Walter Meier Manufacturing, Inc. (f/k/a WMH Tool Group, Inc.) ("removing defendants") hereby remove to this court the state court action described below.

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Williams, Kastner & Gibbs PLLC
888 SW Fifth Avenue, Suite 600
Portland, OR 97204-2025
Telephone: (503) 228-7967• Fax (503) 222-7261

#39078

BACKGROUND

1. On December 17, 2010, this action was filed in the Circuit Court of the State of Oregon for the County of Multnomah as Case No. 1012-17593. A copy of the Complaint is attached to this notice as Exhibit A. This document represents all of the process, pleadings, and orders allegedly served on or by removing defendants, Walter Meier Holdings Corporation, and Walter Meier Manufacturing, Inc. (f/k/a WMH Tool Group, Inc.) in this action to date.

2. Removing defendants were served with the complaint no earlier than February 1, 2011.

3. This notice of removal is filed within 30 days of the date defendants were allegedly served with the complaint, which is the initial pleading allegedly served on defendants, setting forth plaintiff's claim for relief. Therefore, removal is timely under 28 USC § 1446(b).

AMOUNT IN CONTROVERSY

5. The amount in controversy as alleged by the plaintiff exceeds \$75,000, exclusive of interest and costs.

DIVERSITY OF CITIZENSHIP

6. This action is one over which this court has jurisdiction under 28 USC § 1332 based on diversity of citizenship and amount in controversy, and this action may be removed to this court by removing defendant pursuant to 28 USC §§ 1441 and 1446.

7. Upon information and belief, at the time of the alleged service of the attached complaint, plaintiff was a citizen of the state of Oregon.

8. At the time of the alleged service of the attached complaint, defendant Walter Meier Holdings Corporation is a Delaware Corp.

9. At the time of the alleged service of the attached complaint, Walter Meier Manufacturing, Inc. (f/k/a WMH Tool Group, Inc.) is a Washington corporation with its principle place of business in Tennessee.

10. At the time of the alleged service of the attached complaint, Walter Meier Holding Ag has not been served.

NOTICE

11. As required by 28 USC § 1446(d), written notice of the filing of this notice of removal will promptly be provided to plaintiff, and a true and correct copy of this notice will be filed with the clerk of the Circuit Court for Multnomah County, Oregon, after filing.

DEMAND FOR JURY TRIAL

12. Removing defendant hereby makes a DEMAND FOR JURY TRIAL.
WHEREFORE, removing defendant prays for removal of the action pending in the Circuit Court of the State of Oregon for the County of Multnomah as Case No. 1012-17593, to this court, pursuant to 28 USC §§ 1441 and 1446.

DATED this 2nd day of March, 2011.

WILLIAMS, KASTNER & GIBBS PLLC

By: 

Christopher S. Marks, OSB #022052

Email: cmarks@williamskastner.com

Marc M. Carlton, OSB #992375

Email: mcarlton@williamskastner.com

Attorneys for Defendants Walter Meier Holdings Corporation, and Walter Meier Manufacturing, Inc. (f/k/a WMH Tool Group, Inc.)